

[No report.]

JANUARY 3, 1853.

Read twice, committed to the Committee of the Whole House on the state of the Union, and made the special order of the day for Tuesday, the 11th instant.

Mr. FICKLIN, from the Committee on the District of Columbia, reported the following bill:

A BILL

To suppress the circulation of small notes, as a currency, in the District of Columbia.

1 *Be it enacted by the Senate and House of Representatives*
2 *of the United States of America in Congress assembled, That*
3 if any person, or any association, partnership, or company of
4 individuals, or any body politic or corporate within the District
5 of Columbia, shall, from and after the passage of this act, make,
6 emit, issue, or utter any bill of credit, bank note, promissory note,
7 bill of exchange, order, ticket, or any other instrument of writing,
8 in a less amount, or of a less denomination than five dollars, to be
9 used as a paper currency, or as a circulating medium, either as
10 money or in lieu of money, or of any other currency, or shall
11 make, sign, draw, or endorse any bank note, promissory note, bill
12 of exchange, bill of credit, order, ticket, or any other instrument
13 of writing, obligation, promise, contract, or agreement, for
14 the payment or delivery of money or other valuable thing, or
15 of anything purporting to be a valuable thing, of a less amount
16 than five dollars, to be used as a paper currency, or as a circu-

17 lating medium, either as money, or in lieu of money or of any
 18 other currency, every such person, and every member, officer,
 19 or agent of such association, partnership, company of individu-
 20 als, body politic or corporate, concerned in or assenting to
 21 such making, emitting, uttering, signing, drawing, or endors-
 22 ing as aforesaid, for any of the purposes aforesaid, shall be
 23 liable to indictment by the grand jury of the District of Co-
 24 lumbia for a misdemeanor ; and, on conviction thereof, shall be
 25 imprisoned for a term not less than ten days, nor more than
 26 one year, and fined in a sum not less than one hundred, nor
 27 more than five hundred dollars. And it is hereby especially
 28 declared and enacted that, in the case of an association, part-
 29 nership, or company of individuals, body politic or corporate,
 30 committing any of the offences aforesaid, every individual
 31 thereof shall be presumed, prima facie, to be concerned in,
 32 and to have assented to, the commission of such offence, and
 33 the burden of proving his or her dissent therefrom shall rest
 34 on him or her.

1 SEC. 2. *And be it further enacted*, That if any person,
 2 or any association, partnership, or company of individuals, or
 3 any body politic or corporate, within the District of Colum-
 4 bia, shall, from and after the passage of this act, have, main-
 5 tain, or keep, within the limits of said District, any banking-
 6 house, broker's office or other office, room, or place of busi-
 7 ness, in or from which shall or may be made, emitted, issued,

8 uttered, signed, drawn, or endorsed, bills of credit, bonds,
9 promissory notes, bills of exchange, orders, tickets, or any
10 other instruments of writing, obligations, promises, contracts,
11 or agreements, for the payment or delivery of money or other
12 valuable thing, or of anything purporting to be a valuable
13 thing, of a less amount than five dollars, to be used as a paper
14 currency, or as a circulating medium, either as money, or in
15 lieu of money or of any other currency, every such person,
16 and every member, officer, or agent of such association, part-
17 nership, company of individuals, body politic or corporate,
18 concerned in or assenting to such having, maintaining, or
19 keeping, as aforesaid, such banking-house, broker's office, or
20 other office, room, or place of business as aforesaid, shall be
21 liable to indictment by the grand jury of the District of Colum-
22 bia for a misdemeanor, and on conviction thereof shall be im-
23 prisoned and fined for the time and in the amount declared in
24 the first section of this act: *Provided*, That for each and
25 every day, or part of a day, during which said banking-house,
26 broker's office, or other office, room, or place of business,
27 shall be had, maintained, or kept, every person and every
28 member, officer, or agent, as aforesaid, so offending as afore-
29 said, shall be deemed guilty of a distinct and separate offence,
30 and subject to the penalties aforesaid.

1 SEC. 3. *And be it further enacted*, That if any person,
2 or any association, partnership, or company of individuals, or

3 any body politic or corporate, whether within or without the
4 District of Columbia, shall make, emit, issue, utter, sign,
5 draw, or endorse any bill of credit, bank note, promissory
6 note, bill of exchange, order, ticket, or any other instrument
7 of writing, obligation, promise, contract, or agreement, for the
8 payment or delivery of anything other than money, to be used
9 as a circulating medium in this District, every such bill of
10 credit, bank note, promissory note, bill of exchange, order,
11 ticket, other instrument of writing, promise, contract, or
12 agreement, shall be deemed and taken to be made payable in
13 money at the banking-house, broker's office, or other office,
14 room, or place of business, at or from which the same shall be
15 made, emitted, issued, uttered, signed, drawn, or endorsed as
16 aforesaid; and whether such bill of credit, bank note, promis-
17 sory note, bill of exchange, order, ticket, other instrument of
18 writing, obligation, promise, contract, or agreement, purport
19 to be made payable in money or in the obligations of any
20 bank or of any association, partnership, or company of indi-
21 viduals, or of any body politic or corporate, or of any indi-
22 vidual, it shall be deemed and taken to be made payable in
23 money by the person, association, partnership, or company of
24 individuals, body politic or corporate, making, emitting, issu-
25 ing, uttering, signing, drawing, or endorsing the same; and in
26 default of payment of any such bill of credit, bank note,
27 promissory note, bill of exchange, order, ticket, other instru-

28 ment of writing, obligation, promise, contract, or agreement
29 as aforesaid, at the banking-house, broker's office, or other
30 office, room, or place of business, at or from which the same
31 shall be made, emitted, issued, uttered, signed, drawn, or en-
32 dored as aforesaid, or in default of payment by the person,
33 association, partnership, or company of individuals, body poli-
34 tic or corporate, making, emitting, issuing, uttering, signing,
35 drawing, or endorsing the same, whenever and wherever de-
36 manded, then the amount thereof shall be recoverable by ac-
37 tion of debt before any justice of the peace in the District of
38 Columbia; and in any case in which the holder of such bill of
39 credit, bank note, promissory note, bill of exchange, order,
40 ticket, other instrument of writing, promise, contract, or
41 agreement, shall make affidavit before any justice of the peace
42 as aforesaid that the same has been presented for payment as
43 aforesaid, and that payment thereof has been refused, and
44 that the same is still due and unpaid, and shall file the same in
45 the office of the said justice, it shall be the duty of the said
46 justice to issue his warrant for the arrest of the person or per-
47 sons, or any of them, concerned in or assenting to the making,
48 emitting, issuing, uttering, signing, drawing, or endorsing of
49 the same; and such person or persons shall not be discharged
50 from such arrest until the debt and costs are paid or secured
51 to be paid.

1 SEC. 4. *And be it further enacted,* That if any person,

2 association, partnership, or company of individuals, or any
3 body politic or corporate, within the District of Columbia,
4 shall make, emit, issue, utter, sign, draw, or endorse any bill
5 of credit, bond, promissory note, bill of exchange, order,
6 ticket, or any other instrument of writing, obligation, promise,
7 contract, or agreement, for the payment or delivery of money,
8 or other valuable thing, or of anything purporting to be a
9 valuable thing, of a less amount than five dollars, to be used as
10 a paper currency, or as a circulating medium, either as money,
11 or in lieu of money or of any other currency, every such per-
12 son, and every member, officer, or agent of such association,
13 partnership, company of individuals, body politic or corpo-
14 rate, concerned in, or assenting to, such making, emitting,
15 issuing, uttering, signing, drawing, or endorsing as aforesaid,
16 for any of the purposes aforesaid, shall forfeit and pay the sum
17 of ten dollars for each and every bill of credit, bond, promis-
18 sory note, bill of exchange, order, ticket, or any other instru-
19 ment of writing, obligation, promise, contract, or agreement,
20 for any of the purposes aforesaid; the said sum of ten dollars
21 to be recovered in a qui tam action of debt before any justice
22 of the peace in the District of Columbia, brought in the name
23 of the informer, or in the name of the corporation of Wash-
24 ington city or of the corporation of Georgetown, in said Dis-
25 trict, accordingly as the offence may have been committed
26 within the limits of either of said corporations, one-half to go

27 to said informer, and the other half into the treasury of the
 28 corporation of said Washington city or of the corporation of
 29 Georgetown, accordingly as the offence may have been com-
 30 mitted within the limits of either of said corporations; and
 31 jurisdiction is hereby expressly given to each and every justice
 32 of the peace in the District of Columbia to try and adjudicate
 33 each and every such case: *Provided, however,* That no person
 34 who may have been indicted and convicted under this act shall
 35 be liable to such action on the same instrument of writing;
 36 and that no person who may be proceeded against in such
 37 action shall be liable to indictment on the same instrument of
 38 writing under this act: *And provided, also,* That the same
 39 rule of evidence which is prescribed in the first section of this
 40 act as to the concernment or assent of members, officers, and
 41 agents of any association, partnership, company of individuals,
 42 body politic or corporate, committing any of the offences as
 43 aforesaid, shall be applied to actions brought under the authority
 44 of this section.

1 SEC. 5. *And be it further enacted,* That if any person,
 2 or any association, partnership, or company of individuals, or
 3 any body politic or corporate, without the limits of the Dis-
 4 trict of Columbia, shall by himself, herself, or themselves, or
 5 itself, or through or by any agent or agents of himself, herself,
 6 themselves, or itself, bring or send, or cause or procure to be
 7 brought or sent, into the District of Columbia, to be used

8 within the said District of Columbia as a paper currency, or
9 as a circulating medium, either as money, or in lieu of money
10 or of any other currency, any bill of credit, bank note, promis-
11 sory note, bill of exchange, order, ticket, or any other instru-
12 ment of writing, obligation, promise, contract, or agreement,
13 for the payment or delivery of money or other valuable thing,
14 or of anything purporting to be a valuable thing, of a less
15 amount than five dollars, every such person, association, part-
16 nership, company of individuals, body politic or corporate,
17 without the limits of the District of Columbia, and every mem-
18 ber, officer, or agent of such last-mentioned association, part-
19 nership, company of individuals, body politic or corporate,
20 concerned in, or assenting to, such bringing or sending, or to
21 the causing or procuring of such bringing or sending into the
22 said District of Columbia, to be used as aforesaid, within the
23 said District, as a paper currency, or as a circulating medium,
24 either as money, or in lieu of money or of any other curren-
25 cy, of any letter of credit, bank note, promissory note, bill of
26 exchange, order, ticket, or any other instrument of writing,
27 obligation, promise, contract, or agreement, for the payment or
28 delivery of money or other valuable thing, or of anything pur-
29 porting to be a valuable thing, of a less amount than five dol-
30 lars, shall be liable to indictment by the grand jury of the Dis-
31 trict of Columbia, and to action of debt before a justice of the
32 peace, as hereinbefore provided, and to the same penalties and

33 consequences on such indictment or action, and to the same
34 rule of evidence as to concernment in, or assent to, such bring-
35 ing or sending, or of such causing or procuring to be brought
36 or sent, into the District of Columbia, for the purpose or
37 purposes aforesaid, of any bill of credit, bank note, promissory
38 note, bill of exchange, order, ticket, or any other instrument
39 of writing, obligation, promise, contract, or agreement, for the
40 payment or delivery of money or other valuable thing, or of
41 anything purporting to be a valuable thing, of a less denomina-
42 tion than five dollars, as are hereinbefore provided and de-
43 clared.

1 SEC. 6. *And be it further enacted,* That all contracts,
2 whether written or verbal, to pay or deliver money or any
3 valuable thing, or thing purporting to be a valuable thing, the
4 consideration whereof may be, either wholly or in part, any
5 paper currency or circulating medium under five dollars, or
6 other paper or currency prohibited by this act, shall be deemed
7 and held to be illegal and void; and the person or persons
8 suing on such contract shall have no remedy in any court of
9 law or equity; and, in any suit brought on such contract, it
10 shall be competent for the defendant, under the general issue,
11 or any appropriate special plea, to offer evidence of the nature
12 or of the consideration of the contract so sued on; and on the
13 defendant's making oath that he or she has not evidence suffi-

14 cient to prove the nature or consideration of such contract, it
 15 shall be the duty of the court before which such suit may be
 16 brought to require the plaintiff or plaintiffs, or either or any
 17 of them, to be sworn to testify the truth in regard to the trans-
 18 action; and if the plaintiff or plaintiffs shall not be present at
 19 the trial, to compel the attendance of such plaintiff or plaintiffs
 20 as a witness or witnesses, and to postpone or continue the
 21 cause till such attendance can be procured; and if, after the
 22 whole evidence shall have been heard, it shall appear that the
 23 consideration, either wholly or in part, of the contract was
 24 such paper currency or circulating medium prohibited by this
 25 act, judgment shall be rendered for the defendant or defend-
 26 ants, and for costs against the plaintiff or plaintiffs.

1 SEC. 7. *And be it further enacted*, That if any merchant,
 2 hotel-keeper, shop-keeper, grocer, commission merchant, or
 3 insurance agent, any owner or driver of a hackney carriage,
 4 omnibus, cart, wagon, or dray, any huckster, butcher, auc-
 5 tioneer, livery-stable keeper, any owner or keeper of a billiard
 6 table or ten-pin alley, any pawnbroker, any manager or agent
 7 of theatrical or other amusements, any hawker or pedler, trans-
 8 acting business under a license granted by the corporation of
 9 the city of Washington or of Georgetown, in the District of
 10 Columbia, or any other person or persons transacting business
 11 under such license, shall either receive or pay out any paper
 12 under the denomination of five dollars, or any other paper not

13 payable in specie on demand, so prohibited as aforesaid, it
14 shall be the duty of the attorney of the United States for the
15 District of Columbia to sue out process in the nature of a scire
16 facias, or to institute other suitable proceedings in the circuit
17 court of the District of Columbia, against such offender or
18 offenders, returnable to the said court immediately, if said court
19 be then sitting, or to the next term of said court, if there be
20 then a vacation of the terms of said court, requiring such of-
21 fenders to show cause why his, her, or their license aforesaid
22 shall not be forfeited; and on proof exhibited to said court of
23 such receiving or paying out of such prohibited paper as afore-
24 said, said court shall forfeit, annul, and vacate such license,
25 and no other license for any purpose shall be granted to such
26 offender or offenders until one year thereafter shall have passed
27 and expired.

1 SEC. 8. *And be it further enacted*, That it shall be the
2 duty of the marshal of the District of Columbia, and of every
3 constable of said District, to give information to some justice
4 of the peace in said District, and at the commencement of
5 every term of the criminal court of said District to the grand
6 jury, of every violation of this law which may come to his
7 knowledge; and it shall be the duty of the judge of the crimi-
8 nal court to give this act in charge, and cause it to be read to
9 the grand jury at the beginning of every term of said court;
10 and that it shall be the duty of the clerk of said court to apply

11 at the Department of State for, and of the Secretary of State
 12 to furnish said clerk with, a sufficient number of copies of this
 13 act for the use of the grand jury, justices of the peace, and
 14 constables in the District of Columbia, from time to time ;
 15 of which copies said clerk shall deliver two to the foreman of
 16 the grand jury at the beginning of each term of said criminal
 17 court, one to every existing justice of the peace in the Dis-
 18 trict of Columbia, one to every such justice who may hereaf-
 19 ter be commissioned, one to every existing constable in said
 20 District, and one to every such constable who may hereafter
 21 be appointed.

1 SEC. 9. *And be it further enacted,* That on the trial of
 2 any cause, other than a criminal prosecution, under the pro-
 3 visions of this act, it shall be lawful for the court before whom
 4 such cause is pending to cause to be brought before said court,
 5 and examined as a witness, any defendant to any such suit, his
 6 agent, or employer, touching the matters and things in contro-
 7 versy, and to employ such process to effect the object afore-
 8 said as is usual in other cases.

1 SEC. 10. *And be it further enacted,* That this act shall
 2 be in force from and after the passage thereof ; and that so
 3 much and such parts of all former acts as may be repugnant to
 4 this act be, and the same are hereby, repealed.